

ANNEX M

CIVIL DISORDER

I. TYPE OF HAZARD

Civil Disorder (Riots, Protests, Sit-Ins, Marches, Demonstrations)

II. DESCRIPTION OF HAZARD

Civil disorder is a term that generally refers to groups of people purposely choosing not to observe a law, regulation, or rule, usually in order to bring attention to their cause, concern, or agenda. In Missouri, state statutes define civil disorder as “any public disturbance involving acts of violence by assemblages of three or more persons, which cause an immediate danger of or results in damage or injury to the property or person of any other individual.”

Civil disorders can take the form of small gatherings or large groups blocking or impeding access to a building, or disrupting normal activities by generating noise and intimidating people. They can range from a peaceful sit-in to a full-scale riot in which a mob burns or otherwise destroys property and terrorizes individuals. Even in its more passive forms, a group that blocks roadways, sidewalks, or buildings interferes with public order. In the 1990s, abortion clinics, for example, were targets for these disruptive-type activities.

Throughout this country’s history, incidents that disrupted the public peace have figured prominently. The Constitutional guarantees allow for ample expression of protest and dissent, and in many cases collide with the Preamble’s requirement of the government “to ensure domestic tranquility.” Typical examples of such conflicting ideology include the protest movements for civil rights in the late 1960s, and the Vietnam War protest demonstrations in the mid-1970s. The balance between an individual’s or group’s legitimate expression of dissent and the right of the populace to live in domestic tranquility requires the diligent efforts of everyone to avoid such confrontations in the future.

In modern society, laws have evolved that govern the interaction of its members to peacefully resolve conflict. In the United States, a crowd itself is constitutionally protected under “the right of the people to peacefully assemble.” However, assemblies that are not peaceable are not protected, and this is generally the dividing line between crowds and mobs. The laws that deal with disruptive conduct are generally grouped into offenses that disturb the public peace. They range from misdemeanors such as blocking sidewalks or challenging another to fight, to felonies such as looting and rioting. Missouri law makes “promoting civil disorder in the first degree” a class C felony, according to Section 574.070 of the Revised Missouri Statutes. As stated in one provision of the law, “Whoever teaches or demonstrates to any other person the use, application, or construction of any firearm, explosive, or incendiary device capable of causing injury or death to any person, knowing or intending that such firearm, explosive or incendiary device be used in furtherance of a civil disorder, is guilty of promoting civil disorder in the first degree.”

A. Types of Crowds and Mobs

1. A crowd may be defined as a casual, temporary collection of people without a strong, cohesive relationship. Crowds can be classified into four general categories:
 - a. Casual Crowd—A casual crowd is merely a group of people who happen to be in the same place at the same time. Examples of this type include shoppers and sightseers. The likelihood of violent conduct is all but nonexistent.
 - b. Cohesive Crowd—A cohesive crowd consists of members who are involved in some type of unified behavior. Members of this group are involved in some type of common activity such as worshipping, dancing, or watching a sporting event. Although they may have intense internal discipline (e.g. rooting for a team), they require substantial provocation to arouse to action.
 - c. Expressive Crowd—An expressive crowd is one held together by a common commitment or purpose. Although they may not be formally organized, they are assembled as an expression of common sentiment or frustration. Members wish to be seen as a formidable influence. One of the best examples of this type is a group assembled to protest something.
 - d. Aggressive Crowd—An aggressive crowd is comprised of individuals who have assembled for a specific purpose. This crowd often has leaders who attempt to arouse the members or motivate them to action. Members are noisy and threatening and will taunt authorities. They tend to be impulsive and highly emotional and require only minimal stimulation to arouse them to violence. Examples of this type of crowd include demonstrations and strikers.
2. A mob can be defined as a large disorderly crowd or throng. Mobs are usually emotional, loud, tumultuous, violent, and lawless. Like crowds, mobs have different levels of commitment and can be classified into four categories:
 - a. Aggressive Mob—An aggressive mob is one that attacks, riots, and terrorizes. The object of violence may be a person, property, or both. An aggressive mob is distinguished from an aggressive crowd only by lawless activity. Examples of aggressive mobs are the inmate mobs in prisons and jails, mobs that act out their frustrations after political defeat, or violent mobs at political protests or rallies.
 - b. Escape Mob—An escape mob is attempting to flee from something such as a fire, bomb, flood, or other catastrophe. Members of escape mobs have lost their capacity to reason and are generally impossible to control. They are characterized by unreasonable terror.
 - c. Acquisitive Mob—An acquisitive mob is one motivated by a desire to acquire something. Riots caused by other factors often turn into looting sprees. This mob exploits a lack of control by authorities in safeguarding

property. Examples of acquisitive mobs would include the looting in South Central Los Angeles in 1992, or food riots in other countries.

- d. Expressive Mob—An expressive mob is one that expresses fervor or revelry following some sporting event, religious activity, or celebration. Members experience a release of pent up emotions in highly charged situations. Examples of this type of mob include the June 1994 riots in Canada following the Stanley Cup professional hockey championship, European soccer riots, and those occurring after other sporting events in many countries, including the United States.

Although members of mobs have differing levels of commitment, as a group they are far more committed than members of a crowd. As such, a “mob mentality” sets in, which creates a cohesiveness and sense of purpose that is lacking in crowds. Thus, any strategy that causes individual members to contemplate their personal actions will tend to be more effective than treating an entire mob as a single entity.

III. HISTORICAL STATISTICS

A. Missouri

Fortunately, Missouri has not experienced a trend of consistent riotous behavior or disruptive civil disorder, as some other states have witnessed in the past several decades. While far from recent, Missouri’s most notable incident is the famous 1954 prison riot in Jefferson City, which stands as the state’s worst-case example of a full-scale riot. Other events in Missouri’s early history, as well as those in the late 1960s through this decade, indicate the state is not immune to riots, protests, and social upheaval, but no event caused the destruction that occurred during the 1954 prison riot. Some brief examples of Missouri’s riotous events are provided below.

1. In the spring of 1832, citizens in Jackson County began to show their hostility toward Mormon newcomers by stoning their houses. In July 1833, a public meeting to determine the Mormon question resulted in demands that no more Mormons be allowed to settle there, that Mormons already residing in the county move out immediately, and that the Mormon newspaper (the Evening and Morning Star) be suspended. When the Mormon settlers refused these demands, the citizens razed the newspaper office, threw the press in the Missouri River, and tarred and feathered two Mormons. The Mormons appealed their plight to Governor Daniel Dunking, who issued a decision denying any citizen the right to take into his own hands the redress of grievances. He recommended that the Mormons take their case to civil courts to uphold their rights. Incensed by this action, about 50 armed men attacked a Mormon settlement called Big Blue near Independence on October 31, 1833, beating several of the men and destroying 10 homes. Hostilities continued the next two nights. On November 4, a band of citizens fought about 30 Mormons at Big Blue; three citizens, including one Mormon, were killed. Feeling they were outnumbered, most of the Mormons left the county as a result. The few who remained eventually left as well due to continued threats and hostilities.
2. In 1906 on the night before Easter Sunday in Springfield, a mob of 6,000, fueled by alcohol and rumors of a white woman’s rape, battered down the jailhouse

doors and carried away three black men who were then hanged in the town square. Within hours, new rumors spread that black neighborhoods were about to be destroyed. Hundreds of black people fled before the state militia arrived to restore order. In the months that followed, a grand jury indicted more than a dozen people for the hangings, and the story of the woman's attack proved to be untrue. Only one person went to trial, however, and the jury deadlocked without reaching a verdict. In her book about the incident and its aftermath, "Many Thousand Gone," Katherine Lederer notes that until 1906, Springfield had a thriving black population, but the population has never recovered.

3. On September 22, 1954, a full-scale riot broke out at the Men's State Penitentiary in Jefferson City at about 6 p.m., after an inmate released several prisoners. The inmate had obtained keys from a guard by a ruse. At 7:00 p.m., all available state highway patrolmen were directed to report to the penitentiary as quickly as possible to quell the riot. Several buildings and vehicles were burning at that time, and some 500 inmates were loose, hurling bricks, yelling, and attempting. Both chapels were ablaze, as well as several prison shops and factories. Seeing the fires, which were visible at dusk from about 20 miles away, prisoners at the Algoa reformatory and the women's prison staged separate rebellions there. Damage to state property at those facilities was minimal, but at the main prison, only cell houses and buildings equipped with sprinklers survived. By 11:30 p.m., 285 patrolmen in 202 cars were on the scene, and by midnight, some 100 St. Louis policemen carrying submachine guns had arrived by special train. They surrounded cell houses B and C—the only halls in which guards were still held hostage. Highway patrolmen and arriving National Guardsmen took positions on rooftops overlooking the quadrangle—a yard between the larger cell houses. From that vantage point, they opened fire, seriously wounding many inmates in the exchange. Shortly after 7 a.m. the next day, the last guard taken hostage was released, and the rioters, having no alternative, gave up shortly thereafter. By mid-morning, 2,000 police officers and National Guardsmen were on duty at the prison. When the riot was finally over, three inmates had been killed, and 21 wounded by gunfire. One other prisoner was murdered by stabbing and beating, and eight others were injured in fighting with each other. Five buildings were completely destroyed, and two others partially destroyed, resulting in more than \$10 million in losses to state property.
4. On October 23, 1954, another riot occurred at the State Penitentiary while state troopers were still technically operating the institution. This melee was between white and black inmates, starting over food. Bricks began to fly, followed by gunfire from the troopers. Approximately 35 prisoners were wounded in that incident.
5. On the evening of March 19, 1958, at Algoa Intermediate Reformatory, east of Jefferson City, quick action by then Governor James T. Blair and a contingent of state highway patrolmen with riot guns quelled a potential inmate uprising. The governor himself and the patrolmen entered the facility amid reports of unrest following the resignation of the institution's acting superintendent. When no trouble occurred, the troopers were removed after about 2 hours.

6. On April 9, 1968, the Kansas City Police Department requested the help of the Missouri Highway Patrol in quelling rioting, bombing, and looting in the eastern part of the city in the wake of the Martin Luther King assassination. Over 200 officers reported to the staging area at District Four of the State Highway Department to receive their assignments, and began patrolling the downtown area. Officers arrested numerous persons for charges ranging from curfew violations to felonious assault. They remained on duty for 10 days until peace was restored.
7. Twice in May 1969, demonstrations at Lincoln University in Jefferson City resulted in about 200 highway patrolmen being called to the scene to combat arson, sniper fire, and vandalism on campus. The Student Union was burned during those demonstrations.
8. On February 17, 1975, at Algoa Intermediate Reformatory, a minor riot broke out, resulting in tear gas being thrown into dormitories at the institution. Three prison officials suffered minor injuries, and one inmate required stitches to close a wound. The incident resulted in about \$5,000 in property damage.
9. In December 1977 and January 1978 in Southeast Missouri, farmers making up an American Agricultural Movement staged demonstrations to protest what they felt were unfair prices for their products, as maintained by government price supports. The rallies continued through April 1978, with picketing, tractorcades, and stoppage of highway traffic throughout the area, despite high winds, ice, and snow. More than 300 farm tractors were involved in at least one of these actions. On January 11th, highway patrol troopers on Interstate 55 (I-55) near Hayti arrested seven farmers and charged them with failure to obey a reasonable request, assault, and damaging state property. Four others were arrested on I-55 near Caruthersville for driving their pickup trucks slowly side by side, preventing traffic from passing. Twenty-five farmers with their tractors were involved in a fracas with 12 officers near Hayti. Two patrol cars were damaged, and one officer sustained minor injuries when shoved by an irate farmer into the path of a road grader.
10. On April 29, 1992, in Warrensburg, racial tensions mounted following the announcement of the controversial Rodney King verdict. The Johnson County Emergency Operations Center was activated for several hours as police remained on alert status for a potential serious disturbance. Military police from nearby Whitman Air Force Base were also placed on standby alert status, but no major problems occurred.

B. United States

1. Incidents of civil disorder that erupted into violence are part of American history, spanning several centuries. In March 1770, just prior to the Revolutionary War, a riot occurred when Boston citizens jeered and taunted British soldiers and began throwing things at them during a demonstration. Five people were killed when the troops fired during the incident, which became known as "The Boston Massacre." Three years later, on December 16, 1773, a group of Boston citizens protested the British tax on tea to the colonies by throwing it overboard. The

“Boston Tea Party” was a harbinger of troubles that eventually led to the Revolutionary War.

2. On May 4, 1886, another violent event occurred in Haymarket Square in Chicago when a confrontation took place between police and strikers at the McCormick reaper works. A bomb was thrown and a gun battle erupted, during which seven police officers and four workers were killed. Many police and civilians were also injured in what became known as the “Haymarket Square Riot.”
3. Controversy over civil rights and the unpopular war in Vietnam during the 1960s and 1970s resulted in one of the most turbulent periods in American history. During this same time, major riots occurred in Los Angeles in 1965; Detroit in 1967; Chicago in 1968 during the Democratic National Convention; Santa Barbara, California, in 1970; East Los Angeles, California, in 1970 and 1971; and Attica, New York, in 1971, during a major prison riot. Violent rioting once again erupted across the country on April 29, 1992, when four police officers were acquitted after being accused of beating a black suspect (Rodney King). Also in recent years, issues such as abortion, gay rights, immigration, and gun control have generated great public debate and resulted in many mass assemblies and demonstrations.

IV. MEASURE OF PROBABILITY AND SEVERITY

A. Probability

1. Across the nation, police reports reflect a fairly steady rate of theft, mugging, arson, and homicide incidents. But these criminal acts do not amount to “riots.” In their article on “Understanding Riots” published in the Cato Journal (Vol. 14, No 1), David D. Haddock and Daniel D. Polsby note that a large crowd itself is not an incipient riot merely because it assembles a great many people. Haddock and Polsby explain that “starting signals” must occur for civil disorder to erupt; these starting signals include certain kinds of high profile events. In fact, incidents can become signals simply because they have been signals in the past. In Detroit, for example, Devils Night (the night before Halloween) has in recent years become a springboard for multiple, independent, and almost simultaneous acts of arson. With any conventional triggering event, such as news of an assassination or unpopular jury verdict, crowds form spontaneously in various places as word of the incident spreads, without any one person having to recruit them. But since not every crowd threatens to evolve into a riot, the authors reason that a significant number of people must expect and desire that the crowd will become riotous. In addition, “someone has to serve as a catalyst – a sort of entrepreneur to get things going.” A typical action is the breaking of a window (a signal that can be heard by many who do not necessarily see it). Someone will throw the first stone, so to speak, when he calculates the risk of being apprehended has diminished to an acceptable level. This diminished risk is generally based on two variables – the size of the crowd relative to the police force and the probability that others will follow if someone leads. The authors conclude that once someone has taken a risk to get things started, the rioting will begin and spread until civil authorities muster enough force to make rioters believe they face a realistic prospect of arrest.

2. Nationwide, riots are apt to be a recurrent, if unpredictable, feature of social life. Without question, Missouri will continue to experience future episodes of marches, protests, demonstrations, and gatherings in various cities and communities that could lead to some type of disruptive civil disorder. However, based on the state's general history of civil disturbance and the various human factors noted above, the probability that such incidents will develop into full-scale riots is considered low.
3. Regarding penal institutions, much has been done in Missouri and other states to alleviate living conditions, which are underlying factors in many riots (prison overcrowding, poor treatment of inmates, lack of grievance procedures, etc.). The State has been building new prisons for several years, or expanding facilities to create more space and otherwise improve its facilities for its inmate population. As of September 15, 2005, 31,185 inmates were housed in the 20 state correctional centers. A map of the correctional institutions and probation and parole offices in the state is provided as Figure M-1. One federal prison is located in the state, in Springfield.

B. Severity

Should Missouri experience future incidents of disruptive civil disorder or rioting, the severity of a given event could range from low to high, depending on many factors. A spirited demonstration that gets out of hand may result in several arrests, minor damage to property (police vehicles with broken windows, etc.), some injuries, and manpower/overtime costs for police, fire, and other response services. To a greater extent, the threat of urban or intercity riots has the potential for millions of dollars in property damage, possible loss of life and serious injuries, and extensive arrests. Sustaining police at the scene for extended periods, and possibly mobilizing state highway patrol and National Guard units, can add to the extensive manpower costs. Still, such riots tend to be confined to a single site or general area of a community rather than multiple locations or several areas of the state at the same time. Once a riot has occurred, police in other cities are generally on standby for possible riotous conditions and are better able to alleviate potential disturbances before they develop into full-scale riot events.

V. IMPACT OF THE HAZARD

When rioting does break out, it generally proves extremely difficult for first-responder law enforcement authorities to quell the mob promptly. The rules of Constitutional law set stringent limits on how police officers can behave toward those whom they try to arrest. Restraint also plays a crucial part in avoiding any action that "fans the flames." Initial police presence is often undermined because forces may be staffed below the peak loads needed to bring things back under control. As a result, the riot may continue until enough state police or National Guard units arrive to bolster the arrest process and subsequently restore order. In many cases, damage to lives and property may already be extensive.

VI. SYNOPSIS

In the wake of numerous urban riots in the late 1960s and beyond, a unique approach in law enforcement began to emerge as a viable means to reduce the risk of such future riots. Known as "Community Policing," its philosophy rests on the belief that reducing and controlling serious crime requires the police

to pay renewed attention to all problems that allow serious crime to occur. In its comprehensive report following the devastating 1967 Detroit riot for example, the Kerner Commission noted that police “cannot, and should not, resist becoming involved in community service matters.” The benefits to law enforcement and public order, the Commission says, include the following:

- A. Because of their “front-line position” in dealing with ghetto problems, police will be better able to identify problems in their community that may lead to disorder.
- B. They will be better able to handle incidents requiring police intervention.
- C. Willing performance of such work can gain police the respect and support of the community.
- D. Development of non-adversary contacts can provide the police with a vital source of information and intelligence concerning the communities they serve.
- E. In his paper entitled “Preventing Civil Disturbances: A Community Policing Approach,” Michigan State University professor Robert C. Trojanowicz says Community Policing can reduce the potential for riots beyond simply reducing racial tensions between the police and the black community. The organizational strategy of community policing, he writes, “requires freeing some police officers from the isolation of the patrol car, so they can work directly in the community and enlist them as partners in the process of policing themselves. It addresses the need that everyone in the U.S. deserves to live in a safe and stable community, free of drugs and violence, and reminds us that “until we are all safe, no one is safe.” Four basic ways community policing can help in riot prevention, the author says, are as follows:
 - 1. It provides a means of gathering superior intelligence that allows us to identify areas at risk, the level of threat in those areas, and weaknesses and strengths within the community.
 - 2. It provides the police with a way to address those weaknesses, which often include crime, violence, drugs, fear of crime, disorder, neighborhood decay, and juveniles at risk.
 - 3. It reaches out to law-abiding people in the community and involves them in the police process, serving as the vital link required to enlist their help in actively promoting order and stability.
 - 4. It reduces the overall risk to riots by improving the relations between the police and the black community.
- F. A community policing officer (CPO), the author notes, is a full-fledged law enforcement officer who makes arrests, but is further challenged to find new ways to address old problems. CPOs act as community advocates for needed neighborhood services (prompt trash pickup, demolition of abandoned buildings, etc.) and serve as community liaison to public and private agencies, Trojanowicz writes. “This can mean linking troubled families to affordable counseling services, linking the homeless to shelter, or tapping local business to provide donated supplies for projects to beautify the area.” The

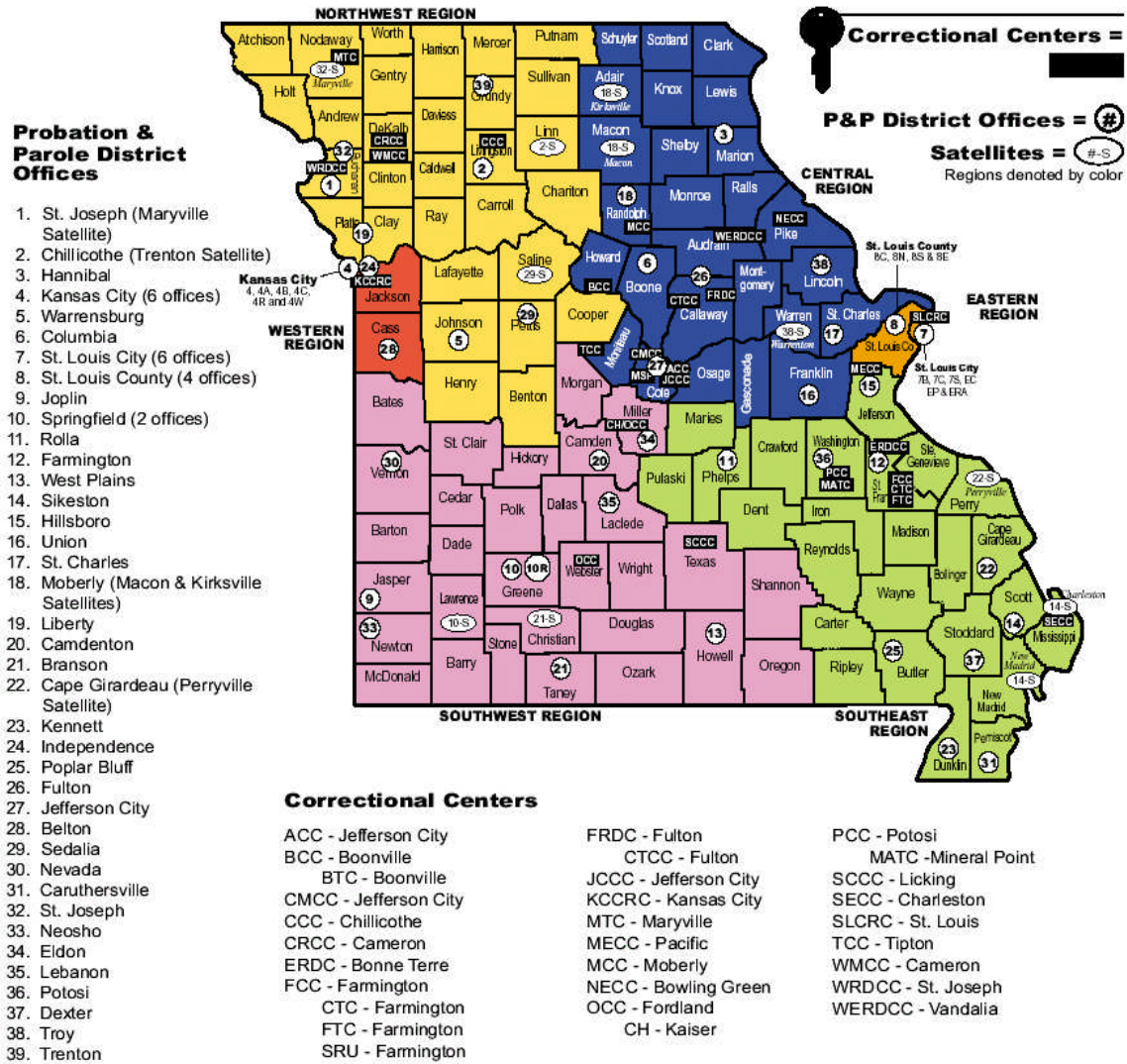
initiatives are bounded only by the collective imagination of the CPO and the people in the community and their local needs, the author concludes.

VII. MAPS OR OTHER ATTACHMENTS

A map identifying Correctional Institutions and Probation & Parole Offices is attached as Figure M-1.

FIGURE M-1

Correctional Institutions and Probation & Parole Offices



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